UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

DATE FILED:

NATIONAL ECONOMIC RESEARCH ASSOCIATES, INC., :

Plaintiff, : 07 Civ 10405 (SAS)

-against- : <u>JUDGMENT</u>

BEACON HILL ASSET MANAGEMENT LLC :

Defendant. :

-----X

This action having been commenced on November 16, 2007 by filing of the Summons and Complaint, and a copy of the Summons and Complaint been duly served on defendant Beacon Hill Asset Management LLC ("Beacon Hill") on December 5, 2007, by personal service through the Delaware Secretary of State, and a proof of service having been filed on December 20, 2007, and said defendant having failed to plead, appear or otherwise defend in this action, and the time for answering the Complaint having expired,

NOW, upon the motion of Kaplan, Thomashower & Landau LLP, attorneys for plaintiff National Economic Research Associates, Inc. ("NERA"), it is hereby ORDERED, ADJUDGED AND DECREED: that a judgment be entered as follows:

Plaintiff NERA is entitled and shall recover of the defendant Beacon Hill the sum of \$132,376.00, plus interest at 9 % from April 15, 2006, and reasonable attorney fees in the amount of \$2,000.00, plus costs and disbursements in the amount of

| \$1,005.13, for a total as of $\frac{156}{792}$ | as of February, 2008, and that plaintiff |
|-------------------------------------------------|------------------------------------------|
| shall have execution for this sum               |                                          |

Dated: New York, New York February\_\_\_, 2008

By:

This documents was entered on the docket

# United States District Court Southern District of New York Office of the Clerk U.S. Courthouse 500 Pearl Street, New York, N.Y. 10007-1213

Date:
In Re:
-vCase #: ( )

Dear Litigant,

Enclosed is a copy of the judgment entered in your case.

Your attention is directed to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, which requires that if you wish to appeal the judgment in your case, you must file a notice of appeal within 30 days of the date of entry of the judgment (60 days if the United States or an officer or agency of the United States is a party).

If you wish to appeal the judgment but for any reason you are unable to file your notice of appeal within the required time, you may make a motion for an extension of time in accordance with the provision of Fed. R. App. P. 4(a)(5). That rule requires you to show "excusable neglect" or "good cause" for your failure to file your notice of appeal within the time allowed. Any such motion must first be served upon the other parties and then filed with the Pro Se Office no later than 60 days from the date of entry of the judgment (90 days if the United States or an officer or agency of the United States is a party).

The enclosed Forms 1, 2 and 3 cover some common situations, and you may choose to use one of them if appropriate to your circumstances.

The Filing fee for a notice of appeal is \$5.00 and the appellate docketing fee is \$250.00 payable to the "Clerk of the Court, USDC, SDNY" by certified check, money order or cash. No personal checks are accepted.

J. Michael McMahon, Clerk of Court

| by: | I |            |      |
|-----|---|------------|------|
| ٠.  |   |            |      |
|     |   | , Deputy C | lerk |

APPEAL FORMS

Revised: March 4, 2003

Office of the Clerk U.S. Courthouse

| 500 Pearl Street, No                                                                                                                                  | ew York, N.Y. 10007-1213                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| or                                                                                                                                                    | x                                                                                                                                  |
|                                                                                                                                                       | NOTICE OF APPEAL                                                                                                                   |
| -V-                                                                                                                                                   |                                                                                                                                    |
|                                                                                                                                                       | : civ, ( )<br>                                                                                                                     |
| Massa is bought given that                                                                                                                            |                                                                                                                                    |
| Notice is hereby given that                                                                                                                           | (party)                                                                                                                            |
| hereby appeals to the United States Court of Appe                                                                                                     | als for the Second Circuit from the Judgment [describe it]                                                                         |
|                                                                                                                                                       | 1                                                                                                                                  |
|                                                                                                                                                       |                                                                                                                                    |
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|                                                                                                                                                       |                                                                                                                                    |
|                                                                                                                                                       |                                                                                                                                    |
|                                                                                                                                                       |                                                                                                                                    |
| entered in this action on the day (                                                                                                                   | (month) (year)                                                                                                                     |
| (usy)                                                                                                                                                 | (1111)                                                                                                                             |
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|                                                                                                                                                       | (Signature)                                                                                                                        |
|                                                                                                                                                       | (Address)                                                                                                                          |
|                                                                                                                                                       | () House comp)                                                                                                                     |
|                                                                                                                                                       | (City, State and Zip Code)                                                                                                         |
| Date:                                                                                                                                                 | (Telephone Number)                                                                                                                 |
| _ <del>-</del>                                                                                                                                        | (Telephone Number)                                                                                                                 |
| Note: You may use this form to take an appeal p District Court within 30 days of the date on which an officer or agency of the United States is a par | rovided that it is <u>received</u> by the office of the Clerk of the the judgment was entered (60 days if the United States o ty). |
|                                                                                                                                                       | :                                                                                                                                  |
| FORM I                                                                                                                                                |                                                                                                                                    |

APPEAL FORMS

Docket Support Unit

Revised: March 4, 2003

Office of the Clerk U.S. Courthouse

500 Pearl Street, New York, N.Y. 10007-1213

| X                                                                                                                       |                                                          |  |  |
|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|--|--|
| -V-                                                                                                                     | MOTION FOR EXTENSION OF TIME TO FILE A NOTICE OF APPEAL  |  |  |
|                                                                                                                         | civ. ( )                                                 |  |  |
| Pursuant to Fed. R. App. P. 4(a)(5),                                                                                    | (party) respectfully                                     |  |  |
| requests leave to file the within notice of appeal out of t<br>desires to appeal the judgment in this action entered on | (party) but failed to file                               |  |  |
| notice of appeal within the required number of days beca                                                                | (day)                                                    |  |  |
| [Explain here the "excusable neglect" or "good cause" which required number of days.]                                   | led to your failure to file a notice of appeal within th |  |  |
|                                                                                                                         | :                                                        |  |  |
|                                                                                                                         |                                                          |  |  |
|                                                                                                                         |                                                          |  |  |
|                                                                                                                         | (Signature)                                              |  |  |
|                                                                                                                         | (Address)                                                |  |  |
|                                                                                                                         | (City, State and Zip Code)                               |  |  |
| Date:                                                                                                                   | (Telephone Number)                                       |  |  |

Note: You may use this form, together with a copy of Form 1, if you are seeking to appeal a judgment and did not file a copy of Form 1 within the required time. If you follow this procedure, these forms must be received in the office of the Clerk of the District Court no later than 60 days of the date which the judgment was entered (90 days if the United States or an officer or agency of the United States is a party).

FORM 2

APPEAL FORMS

Docket Support Unit

Office of the Clerk U.S. Courthouse

500 Pearl Street, New York, N.Y. 10007-1213

| X                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                        |                 |                                  |                                           |
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| -V-                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | MO                     | A               | OF APPEAL<br>ND<br>EXTENSION     |                                           |
| , i                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | :<br>:                 |                 | , ,                              |                                           |
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| 1. Notice is hereby given that                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        |                 | 1                                | nereby appeals to                         |
| the United States Court of Appeals for the Second (                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | (party<br>Circuit from |                 | nt entered on                    |                                           |
| [Give a descripti                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | ion of the j           | ndgment]        |                                  | <del></del>                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                        |                 |                                  |                                           |
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| 2. In the event that this form was not received                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | in the Cle             | rk's office wi  | ithin the requi                  | red time                                  |
| respectfi                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ully reques            | ts the court to | grant an exte                    | nsion of time in                          |
| (party) accordance with Fed. R. App. P. 4(a)(5).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                        |                 |                                  |                                           |
| accordance with rod. K. App. 1. 4(4)(5).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                        |                 |                                  |                                           |
| a. In support of this request,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                        | (party)         |                                  | states that                               |
| this Court's judgment was received on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | atc)                   |                 | hat this form v                  | was mailed to the                         |
| court on                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | arc)                   |                 |                                  |                                           |
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| Date:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | (                      | )               | <br>ohone Number)                |                                           |
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| Note: You may use this form if you are mailing you bistrict Court will receive it within the 30 days of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or an officer or agency of the United States or agency of the United States or an officer or agency of the United States or | the date of            | which the ju    | nd are not sure<br>idgment was e | e the Clerk of the<br>intered (60 days if |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | :                      |                 |                                  |                                           |
| FORM 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | :                      |                 |                                  |                                           |
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| APPEAL FORMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | :                      |                 |                                  |                                           |

Docket Support Unit

Revised: March 4, 2003

Office of the Clerk U.S. Courthouse 500 Pearl Street, New York, N.Y. 10007-1213

| ,                       | X                                            |
|-------------------------|----------------------------------------------|
|                         | AFFIRMATION OF SERVICE                       |
| -V-  <br> <br> <br> X   | <br> X                                       |
|                         | declare under penalty of perjury that I have |
|                         |                                              |
| upon                    |                                              |
| whose address is:       |                                              |
|                         |                                              |
| Date:New York, New York | (6)                                          |
|                         | (Signature)                                  |
|                         | (Address)                                    |
|                         | (City, State and Zip Code)                   |
| FORM 4                  |                                              |

APPEAL FORMS

Docket Support Unit